

Serial No. 10/790,040

Attorney Docket No. 01-561

REMARKS

Claim 15 and 17 are pending. Claim 17 has been withdrawn due to restriction/election. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Applicant respectfully requests an initialed copy of the PTO forms 1449 filed with the Information Disclosure Statements of December 5, 2006 and the January 25, 2007.

Applicant notes that in the Office Action of March 20, 2006, claim 15 was indicated allowed over JP 62-201957, JP 04284609 and JP 10270160. However, claim 15 and 17 were subject to restriction. Applicants elected claim 15 for prosecution.

In the body of the present rejection, claim 17 is indicated as being rejected, while claim 15 is discussed. Therefore the applicants have provided what is considered a complete response to the outstanding action based on, as best understood from a voicemail from the Examiner left with the undersigned on Friday, April 23, 2007, a rejection of claim 15, which was based on a new search. Applicants further request clarification of the above points in the next action for the record.

Claim 17 was rejected under 35 USC 103(a) as being unpatentable over JP 62-201957 in view of JP 04284609 and further in view of JP 09079866. The applicant respectfully requests that this rejection be withdrawn for the following reasons.

Claim 17 is withdrawn from consideration and therefore the rejection is improper as to claim 17. To the extent that the rejection is being applied to claim 15, the applicant notes that the Examiner allowed claim 15 in the Office action dated March 20, 2006, then indicated in the above noted voicemail message the claim 15 was rejected again allegedly based on a new search. A review of the record however fails to show a form PTO-892, indicating the results of the

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alleged new search and compliance with 37 C.F.R. 1.104(d). Further review of the Office Action and the record reveals that the same references are applied in the Office Action of March 20, 2006 and the present Office Action of November 22, 2006, with the exception of JP 09079866. However, as noted, a careful review of the record fails to reveal a citation of the '866 reference by the Examiner or applicant.

Applicant notes that claim 15 is amended herein for clarification only. Applicant further provides the following arguments to supplement the record as to the differences between claim 15 and the applied references.

As admitted by the Examiner, JP 62-201957 fails to teach or suggest that a magnetic-field generating portion is formed by magnetizing the encapsulating material. Furthermore, JP 62-201957 fails to show that the magnetic sensor chip comprises multiple MREs for forming MRE bridges, each of which has a detection axis.

The Examiner further alleges in the Office Action, for example, at page 3, lines 1 to 5 thereof, that JP 04284609 discloses a chip inductor, wherein the magnetic sensor chip comprises multiple magneto-resistance elements for forming MRE bridges, each of the multiple MREs having a detection axis, as allegedly shown in FIG. 4 thereof.

Applicant notes that, while JP 04284609 has a Fig. 1 and a Fig. 2, *no Fig. 4 is shown in the cited document*. Applicant accordingly submits that JP 04284609 fails to show multiple magneto-resistance elements for forming MRE bridges, wherein each of the multiple MREs has a detection axis as claimed. It appears that the Examiner might be referring to Fig. 4 of another document.

In the event that the Examiner has correctly cited JP 04284609, applicant notes that JP '609 fails to disclose or suggest that a magnetic sensor chip comprises multiple magneto-

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resistance elements for forming MRE bridges and further fails to disclose or suggest that each of the multiple MREs has a detection axis. Furthermore, while JP '609 describes that a magnetic substance is formed by kneading a magnetically soft substance powder with a thermostat resin, it fails to disclose or suggest that a part of the magnetic substance is magnetized.

Applicants incidentally note that Fig. 4 of JP HO1-94684, submitted by the applicant on March 2, 2004, does show MRE bridges, wherein the printed circuit board 3 is magnetized. In JP '684, lead frame 4 and printed circuit board 3 are molded by an encapsulating material 5. Although JP '684 is not cited by the Examiner, due to the confusion noted above in indicating the presence of a Fig. 4 in JP '684 where none is present, the applicant pre-emptively states herein that JP '684 fails to disclose that a part of or the whole body of the encapsulating material is magnetized.

In making the rejection, the examiner also cited JP 09079866, on page 3, lines 11-3 of the present Office Action, as allegedly disclosing a magnetic detecting sensor wherein the magnetic field generating portion (13) is inclined for biasing at an angle of 45 degrees to respective detection axes of the MREs (11, 12, fig. 3). It should be noted that Fig. 3 of JP 09079866 shows a rotational angle sensor, but fails to show any magnetic field generating portion (13). Therefore, again, it appears that the Examiner has mis-cited JP '866 and appears to be referring to another document, possibly JP 09079865. Applicant again notes that no PTO-892 has been submitted in accordance with 37 C.F.R. 1.104(d) showing the '866 document.

Accordingly, applicant again, pre-emptively states that JP 09079865 fails to disclose or suggest that a part of the encapsulating material 4 could be magnetized since, in JP 09079865, a permanent magnet 10 is provided as a biasing magnet.

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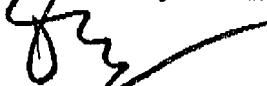
Applicant has exhaustively attempted to address the Examiner's rejection even in view of possible misapplication of the prior art references. Applicant notes that none of the cited references, even those non-cited references to which the Examiner appears to be referring, e.g. JP '864 and JP '865, discloses that the part of the encapsulating material is magnetized.

Accordingly, it is respectfully submitted that a prima facie case of obviousness has not properly been established in that the applied art combination, as best understood, fails to teach or suggest all the claimed features as required. It is respectfully requested that the rejection of claim 15 be reconsidered and withdrawn.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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